



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trent M. Molter et al. )  
 Serial No.: 09/965,679 ) Group Art Unit: 1746  
 Filed: September 27, 2001 ) Examiner: M. Wills  
 For: APPARATUS AND METHOD FOR )  
 MAINTAINING COMPRESSION OF THE )  
 ACTIVE AREA IN AN )  
 ELECTROCHEMICAL CELL )

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## PETITION under 37 C.F.R. §1.78

Pursuant to the 37 C.F.R. §1.78(a)(3), Applicants hereby petition for acceptance of the unintentionally delayed benefit of a claim for priority to U.S. Patent No. 6,365,032 B1 which was filed October 7, 1999, and which issued April 2, 2002. The present application was filed September 27, 2001, and hence was copending with U.S. Patent No. 6,365,032 B1.

Included herewith are:

- (i) an amendment to the above identified application pursuant to 37 C.F.R. §1.78(a)(2);
- (ii) the surcharge set forth in §1.17(t); and
- (iii) a statement that the entire delay is unintentional between (a) the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and (b) the date the claim is filed.

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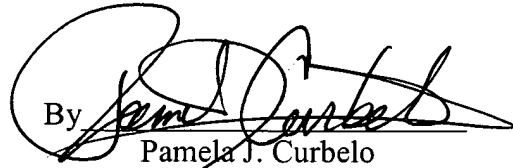
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PES-0040

If there are any additional charges with respect to this Petition, the Amendment, the Statement, or otherwise, please charge them to Deposit Account No. 06-1130.

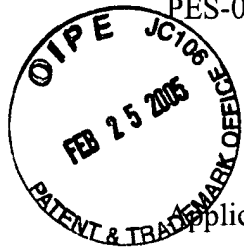
Respectfully submitted,

CANTOR COLBURN LLP

By   
Pamela J. Curbelo  
Registration No. 34,676

Date:

CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No.: 23462



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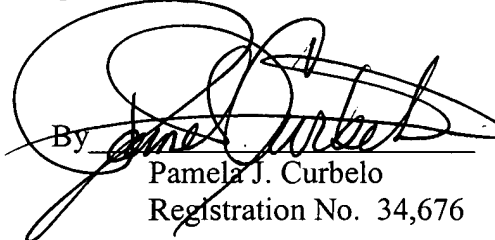
## Statement pursuant to 37 C.F.R. §1.78(a)(3)

The entire delay between the date of filing of a claim for priority to U.S. Patent No. 6,365,032 B1, pursuant to 37 C.F.R. §1.78(a)(2)(ii) was due and the date of actually filing of this claim was unintentional.

If there are any additional charges with respect to this Statement or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By   
 Pamela J. Curbelo  
 Registration No. 34,676

Date: February 23, 2005  
 CANTOR COLBURN LLP  
 55 Griffin Road South  
 Bloomfield, CT 06002  
 Telephone (860) 286-2929  
 Facsimile (860) 286-0115  
 Customer No.: 23462